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 NEC ELECTRONICS CORPORATION and
 NEC ELECTRONICS AMERICA, INC.

[Other Counsel and Defendants Appear on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE STATIC RANDOM ACCESS
 MEMORY (SRAM) ANTITRUST
 LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**AMENDED STIPULATION AND ORDER
 TO EXTEND TIME FOR PLAINTIFFS TO
 FILE REPLY PAPERS IN SUPPORT OF
 THEIR MOTION FOR CLASS
 CERTIFICATION; FOR DEFENDANTS
 TO RESPOND TO SAME; AND CHANGE
 HEARING DATE**

WHEREAS, on February 17, 2009, the parties reached agreement, in order to facilitate discovery with respect to 13 new party plaintiffs that plaintiffs sought to substitute into the case, contingent on the Court's approval of the following dates: April 30, 2009, due date for defendants' opposition for class certification; May 28, due date for plaintiffs' reply to defendants' opposition; June 11, hearing date on Indirect Purchaser Plaintiffs' Motion for Class Certification;

WHEREAS, a stipulation codifying this agreement was approved by the Court and filed on February 27, 2009;

1 WHEREAS, on April 30, 2009, Defendants filed their Opposition to Class Certification
2 along with declaration of Michelle M. Burtis, Ph.D, an economist on the issue of, among other
3 things, whether pass-through of any overcharge can be proven with common proof in this case.
4 Defendants also filed declarations from third-party firms on the issue of whether pass-through
5 actually occurs;

6 WHEREAS, Plaintiffs' Reply papers are currently due on May 28, 2009, and the hearing on
7 class certification is scheduled for June 11, 2009;

8 WHEREAS, Plaintiffs desire an additional 35 days to prepare their Reply papers, to depose
9 third-party witnesses, and take the deposition of Defendants' expert;

10 WHEREAS, Plaintiffs agree that Defendants may file a Surreply brief and Surrebuttal expert
11 report(s) in response to Plaintiffs' Reply papers, and that Defendants may do so within 35 days after
12 Plaintiffs' Reply papers are filed;

13 WHEREAS, Plaintiffs agree that Defendants may depose Plaintiffs' experts within 20 days
14 following the filing of Plaintiffs' Reply papers;

15 WHEREAS, Defendants agree to submit their expert for deposition some time prior to
16 June 12, 2009;

17 WHEREAS, the statements made in this stipulation, agreements made herein, or the fact of
18 this stipulation and order may not be used with regard to any possible appeal of Judge Smith's
19 Report and Recommendation entered on April 17, 2009, docket entry 677;

20 WHEREAS, the parties agree to class certification hearing no earlier than September 3, 2009,
21 subject to the Court's availability;

22 WHEREAS, in return, and expressly contingent on the Court's approval of this entire
23 stipulation as an order, Defendants are willing to stipulate hereto; and

24 NOW THEREFORE, it is hereby stipulated by the undersigned counsel on behalf of the
25 parties identified below, and subject to the Court's approval, that:

26 A. Plaintiffs' Reply in their Motion for Class Certification shall be filed no later than
27 July 2, 2009.

28 B. Defendants will make its expert available for deposition on a date agreed to by

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1 Plaintiffs and no later than June 12, 2009.

2 B. Defendants may file a Surreply brief and Surrebuttal expert report(s) in response to
3 Plaintiffs Reply papers, and Defendants may do so no later than August 6, 2009.

4 C. Defendants may depose Plaintiffs' experts following the filing of Plaintiffs' reply
5 papers and Plaintiffs' shall make its experts available for such depositions on dates agreed to by
6 Defendants and no later than July 22, 2009.

7 D. The hearing on Indirect-Purchaser Plaintiffs' Motion for Class Certification shall be
8 held on September 3, 2009 at 2:00 pm. in Courtroom 2, 4th Floor.

9 Dated: May 7, 2009

By: /s/ Patrick M. Ryan
PATRICK M. RYAN
WINSTON & STRAWN LLP

11 Dated: May 7, 2009

By: Liaison Counsel for Defendants
/s/ Francis O. Scarpulla
FRANCIS O. SCARPULLA
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PAMELA E. WOODSIDE
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*Interim Lead and Liaison Counsel for
Indirect-Purchaser Class*

Additional Defendants and Counsel:
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America Electronic Components, Inc.

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I, Patrick M. Ryan, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

/s/ Patrick M. Ryan
Patrick M. Ryan

1 **IT IS SO ORDERED. The Further Case Management Conference is also continued to**
2 **9/3/09 at 2:00 p.m.**

3
4 Dated: ___ May 14, 2009



THE HONORABLE CLAUDIA WILKEN
United States District Judge
Northern District of California

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